

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. C-10-1128-10
	§	
JOHNNY JOE GUERRA	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets the probable cause standard. The defendant is facing a ten-year minimum mandatory sentence if convicted. The findings and conclusions contained in the Pretrial Services Report, Paragraphs one through six, are adopted as the court's own. Thirteen firearms were discovered in the same house which contained the methamphetamine which is the subject of Count Five of the indictment. A search warrant executed on the home of Mr. Guerra turned up two hidden and loaded firearms, and recorded phone conversations reflect that defendant Guerra believed he

needed firearms to conduct his business. The defendant is a member and one of the leaders of the Raza Unida Gang, a prison gang which has ties to the drug cartels in Mexico. He is a poor bond risk, and has not rebutted the presumption that he is a threat to the safety of the community and a risk of flight.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 22nd day of December, 2010.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE